

**Mass. DEP Office of Appeals & Dispute Resolution
AGREEMENT TO MEDIATE**

Case Name:_____ **Case No.:**_____

1. I agree to attempt resolution of this case through mediation. I understand that this process is strictly voluntary and I may withdraw from it at any time.
2. I understand that the mediator is neutral and has no power to decide the outcome of this matter. Further, s/he will not evaluate this case or express an opinion as to who will prevail. Terms and conditions of employment as defined under Massachusetts General Law Chapter 150 E will not be the subject of mediation.
3. I understand that the mediator is not going to act as an advocate or attorney for either party and that I have the right to be represented by counsel at this mediation.
4. I understand that the purpose of this mediation is to attempt to settle this matter at the most informal level and not to gather information for hearing or trial.
5. The mediator(s) and all observers agree not to voluntarily testify on behalf of any party and will not make or submit any type of transcript or report in connection with this mediation. The exception to this is when one of the participants makes a genuine threat of physical harm, reports criminal activity or possible child/elder abuse.
6. I understand that any documents prepared for or during the mediation (such as case summaries presented to the mediator or notes taken during the mediations) are for settlement purposes only and may not be subpoenaed for, or used in, a subsequent hearing or trial.
7. I understand that neither I nor any other participant will be bound by anything said or done in mediation unless and until there is a written settlement agreement.
8. I understand that mediation is confidential according to Massachusetts General Laws Chap. 233, section 23C, which says in part, and which means: "Any communication made in the course of and relating to the subject matter of any mediation and which is made in the presence of such mediator by any participant, mediator or other person shall be confidential communication and not subject to disclosure in any judicial or administrative proceeding."

DATE:_____

PARTY

PARTY

MEDIATOR

REPRESENTATIVE